

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JEFFREY FYFFE,

Plaintiff,

-against-

C&D REALTY, LLC, THEODORE S.  
KALLIF, EMO DERANIERI, and  
ABRAHAM WILLIAMS,

Defendants.

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**MEMORANDUM AND ORDER**  
Case No. 18-CV-758 (FB) (JO)

**BLOCK, Senior District Judge:**

On October 9, 2018, Magistrate Judge Orenstein issued a Report and Recommendation (“R&R”) recommending that the settlement in this action be approved. The R&R advised that objections were due by October 23, 2018, and warned that “[f]ailure to file objections within this period designating the particular issues to be reviewed waives the right to appeal the district court’s order.” The R&R was served electronically on all parties. To date, no objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without de novo review. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the

consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court will, however, excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R. Accordingly, the Court adopts the R&R. The settlement is approved, and the Clerk is directed to close the case.

**SO ORDERED.**

/S/ Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
January 22, 2019